

Part 1 – Agency Profile

Agency Overview:

The Office of the Idaho State Appellate Public Defender was created in 1998. The SAPD provides appellate representation to indigent defendants who have been convicted of a non-capital or capital felony in district court. The SAPD also provides appellate representation in dismissals or denials of non-capital state habeas proceedings and state post conviction petitions. The SAPD provides district court representation for capital defendants during the post conviction phase, as well as the appeal following the denial of the post conviction petition and the direct appeal from the judgment of conviction.

The State Appellate Public Defender is Molly J. Huskey, who was appointed by Governor Dirk Kempthorne in September 2002. The office has 21 full-time employees, including the agency head. There are 4 attorneys in the Capital Litigation Unit, a mitigation specialist, an investigator and a support staff. The Appellate Unit has 9 attorneys, including the Chief of the Appellate Unit, two support staff and a paralegal. There is also an Office Administrator. The office is located at 3647 Lake Harbor Lane, Boise, Idaho.

The mission of the SAPD is to provide quality legal representation to its clients in an effective and efficient manner.

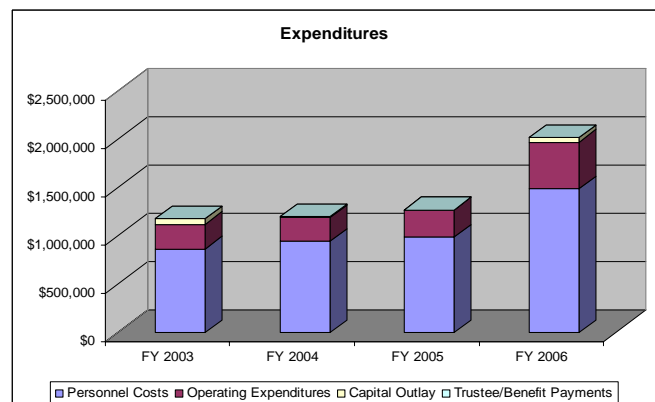
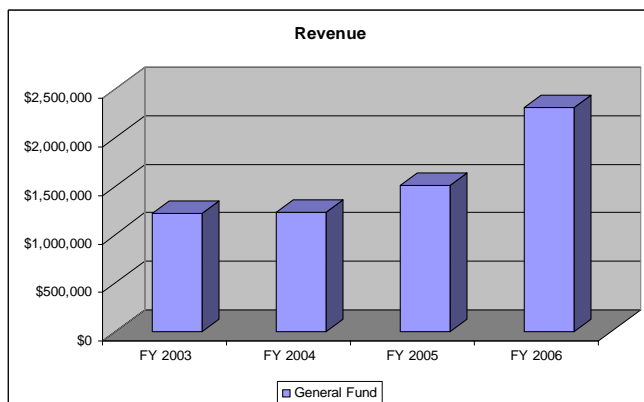
Core Functions/Idaho Code:

In *Alabama v. Powell*, 287 U.S. 45, 68-69 (1932), the United States Supreme Court held that basic fairness required that indigent defendants facing capital charges had the constitutional right to assistance of counsel. In *Gideon v. Wainwright*, 372 U.S. 335 (1963) the Supreme Court ruled that states have a constitutional obligation under the Sixth and Fourteenth Amendments to the U.S. Constitution to provide counsel to non-capital indigent defendants. The Idaho Appellate Courts have extended the right to counsel to direct appeals. *Banuelos v. State*, 127 Idaho 860, 908 P.2d 162 (Idaho App., 1995)

As a result of these cases, and recognizing the cost of specialized appellate counsel, the legislature created the SAPD by enacting Idaho Code §19-867. The additional duties of the office are enumerated in I.C. §19-868 through §19-872.

Revenue and Expenditures:

Revenue	FY 2003	FY 2004	FY 2005	FY 2006
General Fund	\$1,217,700	\$1,228,800	\$1,504,600	\$2,306,900
Total	\$1,217,700	\$1,228,800	\$1,504,600	\$2,306,900
Expenditure	FY 2003	FY 2004	FY 2005	FY 2006
Personnel Costs	\$861,900	\$939,400	\$986,900	\$1,484,200
Operating Expenditures	\$255,500	\$246,500	\$279,000	\$482,200
Capital Outlay	\$57,700	\$10,200	\$0	\$46,000
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
Total	\$1,175,100	\$1,196,100	\$1,265,900	\$2,012,400



Profile of Cases Managed and/or Key Services Provided:

Cases Managed and/or Key Services Provided	FY 2003	FY 2004	FY 2005	FY 2006
Capital	6	6	7	6
Non-Capital	536	632	608	591

Performance Highlights:

Fiscal Year 2004 brought a significant increase in the number of cases handled by the SAPD Appellate Unit, resulting in a request for supplemental funding in FY05. To more accurately measure caseload for the fiscal year, in FY2005, the SAPD instituted a new method by which it measured cases, thus giving an artificial appearance that the number of cases handled by the Appellate Unit decreased during that fiscal year. Comparing the number of hours worked by the Appellate Unit attorneys, the workload for each attorney did not actually decrease.

Part II – Performance Measures:

Performance Measure	2003	2004	2005	2006	Benchmark
1. Comply with National Standards (22 work units per attorney)			AU attorney average: 50 points	AU attorney average: 33.28 points	100% Compliance by FY08
2. 100% resolution of any identified deficiencies of the Office of the SAPD's structure, management and performance when compared to national standards.					25% by end of FY07 50% by end of FY08 75% by end of FY09 100% by end of FY10
3. Provide adequate funding for capital cases. This benchmark is measured by whether there was sufficient funding to adequately provide investigation and mitigation in the capital cases. There is adequate funding if all necessary investigation has been done.	\$98,555.23	\$69,835.00	\$88,550.28 \$233,000.00	\$57,781.05 \$228,150.47	100% compliance by FY05
4. Website 100% complete to increase communication with the public defenders, the bar, the courts, the general public, and counties in order to substantially increase the constituencies' awareness of the value of the Office of the SAPD.					Completion date of December 31, 2006 with 100% achievement each Fiscal Year.
5. CLE taught in 100% of the judicial districts for public defenders, prosecutors, or court personnel.					100% completion each Fiscal Year/New Measure.
6. Study the indigent defense delivery system, including felonies and misdemeanors, adult and juvenile cases.					New Measure

Performance Measure Explanatory Note:

Fiscal Year 2005 was a critical year for the SAPD. An increase in the capital cases, as well as the potential for a significant number of new capital cases, required the SAPD to seek a supplemental request for funding for FY05. Additionally, because of the number of the non-capital cases, the SAPD was granted three (3) additional FTP's which significantly reduced the Appellate Unit caseload, as reflected in the average number of work-units per attorney as noted above.

In order to achieve 100% compliance with national standards on staff attorney workload, the SAPD will be required to request additional FTP's for the Appellate Unit.

For More Information Contact

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